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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,223	09/30/2003	Michael P. Boutillette	BSME120587	9880
26389 7590 06/05/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER NGUYEN, HUONG Q	
			ART UNIT 3736	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,223

Applicant(s)

BOUTILLETTE ET AL.

Examiner

Helen Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,10,11 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,10-11, and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the amendment filed 3/8/2007. Claims 1, 4, 10, 11, and 20 are amended. Claims 2-3, 7-9, and 12 are cancelled. **Claims 1, 4-6, 10-11, and 20** remain pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim 10** is rejected under 35 U.S.C. 102(b) as being anticipated by Loney et al (US Pat No. 5137517).

Loney et al disclose a wire torquing device comprising:

a body (10) having an open U-shaped channel (12) extending along an entire length thereof in which a wire (14) can be fitted, best seen in Figures 1-2;

a slider (16) that remains in the U-shaped channel as a wire is fitted along the length of the channel (Col.6: 1-7) best seen in Figures 4a-b and is movable longitudinally within the channel, the slider including an engagement surface (38) (Col.3: 57-64) that secures the wire as the slider is moved longitudinally in the channel.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 and 4-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Loney et al in view of Hedger (US Pat No. 4057186), further in view of Sherts et al (US Pat No. 6533772).

6. In regards to **Claim 1**, Loney et al disclose a device for applying torque to a wire, comprising:

a body portion (10) having a U-shaped channel, best seen in Figure 1 and 2c-d, referred to as "longitudinal slot" (12), with an opening that extends along an entire length of the body portion, best shown in Figure 2;

a slider (16) that is longitudinally slideable within the channel of the body portion, the slider having an engagement surface, referred to as "bottom surface" (48), that receives a wire (14) that is inserted in the channel and compresses the wire against a first engagement surface (38) so that rotation of the body portion applies torque to the wire (Col.5: 21-38).

7. However, Loney et al do not disclose a tongue supported in the U-shaped channel including a first engagement surface positioned above a bottom surface of the U-shaped channel that allows the wire to be compressed against said first engagement surface and the second engagement surface of a U-shaped slider having a closed end.

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8. Hedger discloses an analogous device comprising a tongue (19) supported in a channel (15), best seen in Figures 4 and 7 (Col.2: 12-15), including a first engagement surface or the “upper-surface of the tongue” (Col.2: 43-46) positioned above a bottom surface of the channel, best seen in Figures 4 and 7. Hedger also discloses a slider (16) having a closed end, defined as the right side of said slider (16) and tongue (19) interface best seen in Figure 7b right side, that forms a second engagement surface or “under-surface of the slider” (Col.2: 43-46) that receives a wire (23) that is inserted in the channel and compresses the wire against the first engagement surface of the tongue (upper-surface of the tongue) as an effective gripping mechanism.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify gripping mechanism of Loney et al such that a tongue is supported in the U-shaped channel having a first engagement surface and the slider has a closed end forming a second engagement surface that receives the wire that is inserted into the channel and compresses the wire against the first engagement surface of the tongue, as taught by Hedger, so that rotation of the body portion applies torque to the wire as an effective mechanism to do so.

9. Loney et al in combination with Hedger disclose the invention above but do not disclose said slider is U-shaped. Sherts et al disclose a U-shaped slider (106) best seen in Figure 12a-c effectively shaped so to conform to the natural contour of a user’s finger for ease of use.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the slider of Loney et al as modified by Hedger to be U-shaped as taught by Sherts et al to more effectively conform to the user’s finger for ease of use.

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10. In regards to **Claim 4**, Loney et al in combination with Hedger and Sherts et al disclose the closed end of the U-shaped slider as defined above and the tongue, as described above, including angled cooperating surfaces (Loney Col.5: 21-33), as best seen in Figures 2-3.

11. In regard to **Claims 5-6**, Loney et al disclose the body portion (10) has a grip enhancing mechanism in the form of one or more ridges (25,26,28,30,32,34,36) on the exterior of the body portion (Col.3: 19-26), best seen in Figures 1-2.

12. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Loney et al in view of Hedger.

13. Loney et al disclose the device above but do not disclose the slider includes a channel in which the wire can be fitted and the U-shaped channel in the body has a tongue that cooperates with the channel on the slider to secure the wire. Hedger discloses an analogous device comprising a slider (16) with a channel (20) (Col.2: 12-15) in which a wire (23) can be fitted and the channel in the body includes a tongue (19) that cooperates with the channel on the slider to secure the wire, best seen in Figure 7 (Col.2: 24-26, 43-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Loney et al such that the slider includes a channel for the wire and the U-shaped channel in the body has a tongue that cooperates with the channel on the slider as taught by Hedger as an effective manner of securing the wire.

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14. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Loney et al in view of Sherts et al.

15. Loney et al disclose the open U-shaped channel (12) includes a pair of sidewalls and a bottom surface but do not disclose said channel including a fixed wedge positioned on one of the side walls of the channel and the slider includes an engagement surface facing the wedge that is longitudinally movable towards and away from the wedge to pinch the wire against the wedge. Sherts et al disclose an analogous device comprising a channel (100b) including a wedge (104) fixed in the vertical direction and positioned on a side wall of the channel as well as a slider (106) with an engagement surface (106a) facing the wedge that is longitudinally movable towards and away from the wedge to pinch a wire against the wedge, best seen in Figures 12b-c (Col.10: 4-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the U-shaped channel of Loney et al to include a fixed wedge positioned on one of the side walls and the slider includes an engagement surface facing the wedge that is longitudinally movable towards and away from the wedge as taught by Sherts et al to effectively pinch a wire against the wedge.

Response to Arguments

16. Applicant's arguments with respect to **Claims 1, 4-6, 11, and 20** have been considered but are moot in view of the new ground(s) of rejection.

17. Applicant's arguments regarding **Claim 10** have been fully considered but they are not persuasive. Applicant contends that Loney et al does not teach a wire torquing device wherein

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the slider remains in the U-shaped channel as a wire is fitted along the length of the channel.

Examiner notes that Loney does disclose such in Figures 4a-b (Col.6: 1-7).

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen Nguyen whose telephone number is 571-272-8340. The examiner can normally be reached on Monday - Friday, 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HQN

5/29/2007



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